Security Council

Fifty-seventh year

Provisional

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Thursday, 14 November 2002, 3.30 p.m.
New York

President:	Mr. Zhang Yishan	(China)
Members:	Bulgaria	Mr. Tafrov
	Cameroon	Mr. Tidjani
	Colombia	Mr. Valdivieso
	France	Mr. Duclos
	Guinea	Mr. Traoré
	Ireland	Mr. Corr
	Mauritius	Mr. Gokool
	Mexico	Mrs. Arce de Jeannet
	Norway	Mr. Kolby
	Russian Federation	Mr. Konuzin
	Singapore	Mr. Mahbubani
	Syrian Arab Republic	Mr. Mekdad
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Mr. Williamson

Agenda

The situation in Timor-Leste

Report of the Secretary-General on the United Nations Mission of Support in East Timor (S/2002/1223).

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02-69432 (E)

The meeting resumed at 3.40 p.m.

The President (*spoke in Chinese*): The next speaker inscribed on my list is the representative of the Republic of Korea. I invite him to take a seat at the Council table and to make his statement.

Mr. Sun (Republic of Korea): The Secretary-General's report (S/2002/1223) on the United Nations Mission of Support in East Timor (UNMISET) gives positive indications that Timor-Leste is, by and large, well on the path towards becoming a democratic and economically viable nation: legislative networks have been taking root, administrative structures are functioning relatively well and the economy is in better shape.

These initial achievements can certainly be attributed to the wisdom and aspirations of the leaders and the people of Timor-Leste, as well as to the commitment of the international community. In that regard, my delegation appreciates the leadership of Ambassador Kamalesh Sharma, the Special Representative of the Secretary-General, who has shown considerable energy and competence.

Half a year has passed since we celebrated the yearned-for independence of Timor-Leste. My Government attaches great value to the role of UNMISET, the successor mission to the United Nations Transitional Administration in East Timor, in pursuing a well devised, milestone-based approach towards the Mission's gradual withdrawal over a two-year period. In that regard, my delegation notes with satisfaction the Secretary-General's observation that UNMISET has been able to adhere generally to the timetables, as that observation exemplifies the success of the Mission during the past six months. As one of the major troop-contributing countries to the military component of UNMISET, the Republic of Korea will continue to fulfil its share of the responsibilities until the Mission's mandate is accomplished.

Noteworthy, too, is Timor-Leste's smooth integration into the community of nations. The world welcomed that nation as the 191st State Member of the United Nations last September. Timor-Leste has joined major international and regional institutions, such as the World Bank and the Asian Development Bank, and, more importantly, maintains firm diplomatic relations with regional States, as well as with the wider world at large. The Republic of Korea has an ambassadorial representation in Timor-Leste and is committed to promoting stronger relations with that new nation on every front.

The Secretary-General's report aptly reminds us that, even with the steady progress that has materialized thus far, there remain many challenges to be tackled. Unfilled vacancies in the Government sector, insufficient staffing of qualified officials, the weak judicial system and acute resource constraints in many parts of the administration are among those challenges. As has been the case in the past few years, the Republic of Korea will continue to extend, wherever possible, its humanitarian and development assistance to Timor-Leste, including in-kind, financial and training assistance. We believe that the continued commitment of the international community is an indispensable factor in enabling that new nation to develop as a democratic and prosperous nation.

The President (*spoke in Chinese*): The next speaker inscribed on my list is the representative of Ukraine. I invite him to take a seat at the Council table and to make his statement.

Mr. Kuchinsky (Ukraine): I wish to express our gratitude and appreciation to your delegation, Sir, for convening this important meeting.

As Ukraine's principled position on Timor-Leste has already been stated in the Council on numerous occasions, I shall confine myself to making a few short remarks in connection with today's discussion.

We are happy to ascertain that the Government of Timor-Leste has already taken office and that its national institutions have assumed responsibility for the management of its affairs. The Parliament has adopted its first pieces of legislation on a number of important issues. The country has become a member of the World Bank, the Asian Development Bank and the Community of Portuguese-Speaking Countries. It has established diplomatic relations with nearly all States members of the Association of South-East Asian Nations. On 27 September 2002, Timor-Leste was admitted as the 191st State Member of the United Nations. We believe that all this also reflects the results of the work done by the United Nations, and specifically by the United Nations Mission of Support in East Timor (UNMISET), led by Ambassador Kamalesh Sharma.

Security Council resolution 1410 (2002), which established UNMISET, marked the launching of a new

phase of partnership between the United Nations and Timor-Leste, in which steadfast cooperation and support in many critical areas has brought tangible results.

UNMISET and the United Nations relief agencies have helped the country to achieve steady progress for the past sixth months in restoring essential services and in reaching its development targets. The United Nations relief, rehabilitation and development programmes in Timor-Leste have managed to make progress in rebuilding various components of the country's infrastructure. Significant progress has been made in the rehabilitation of physical and social infrastructure and in the provision of social services, especially in health and education. We believe that continued international support is needed for the strengthening of the capacity of national institutions. We welcome, in this regard, the support being provided to the Government of Timor-Leste by Indonesia, Australia and other countries.

Despite the considerable efforts made over the past six months, a number of critical elements of the State remain fragile. One of the sensitive points of the State-building strategy for Timor-Leste is the administrative and governmental system. Building Timorese public services remains one of the most difficult aspects of UNMISET's mandate. There is still a grave shortage of qualified and experienced Timorese across all areas of government activity, particularly in the justice sector. In this regard, we welcome UNMISET's civilian support programme of advisers aimed at promoting a broad-based, self-sustaining and self-reliant administration of Timor Leste. In our view, international advisers should continue to assist to ensure that capacity-building can be maintained by Timorese nationals and their institutions with minimal external support.

The resolution of the refugee problem remains another crucial issue and a prerequisite to ensuring stability in the country. We welcome the efforts of the United Nations High Commissioner for Refugees and the International Organization for Migration to help refugees to return to Timor-Leste by the end of this year, hopefully. The complete return of refugees from West Timor should remain a firm priority in order to guarantee security on both sides of the border. We stress the need to preserve the refugee status of the Timorese who, under certain circumstances, may stay in West Timor after December 2002.

The issue of the accountability of those responsible for serious crimes committed in 1999 continues to represent a serious concern for the international community. We urge both Timor-Leste and Indonesia to cooperate closely in bringing to justice all violators of human rights.

As a member of the Security Council, Ukraine took part in the history-making United Nations mission to East Timor in November 2000. My country is proud to have taken an active part in the international nation-building efforts there. We have contributed a number of officers to the UNMISET civilian police component since its inception, thus assisting in the establishment of an effective Timorese Police Service and promoting its capability.

In conclusion, let me emphasize that UNMISET has succeeded so far in the fulfilment of its mandate and I should like to reiterate Ukraine's continued support for the strenuous efforts of the United Nations and UNMISET in Timor-Leste, as well as Ukraine's readiness to provide all necessary assistance.

The President (*spoke in Chinese*): I thank the representative of Ukraine for his kind words addressed to me.

The next speaker inscribed on my list is the representative of Japan. I invite him to take a seat at the Council table and to make his statement.

Mr. Haraguchi (Japan): I would like to thank you, Mr. President, for convening this open meeting on the situation in Timor-Leste. My thanks go as well to the Special Representative of the Secretary-General, Ambassador Kamalesh Sharma, for his useful report.

We appreciate the report of Secretary-General Kofi Annan of 6 November 2002 on the United Nations Mission of Support in East Timor (UNMISET). It provides a comprehensive account of the situation in Timor-Leste six months after it achieved its independence, as well as an account of the activities of UNMISET. The Government of Japan welcomes the fact that Timor-Leste is continuing to make steady nation-building efforts. On the other hand, the country still faces a number of challenges, including the building of a self-sustainable nation, resolution of refugee issues, national reconciliation, and the strengthening of relations with neighbouring States, as described in the Secretary-General's report.

It is said that heaven helps those who help themselves; Timor-Leste is no exception. In the nation-building process, the endeavours of the people of Timor-Leste are of primary importance. It is first of all necessary that they work towards reconstruction and development while promoting national reconciliation so that united efforts for the construction of a self-reliant nation are possible. As long as they continue to make such earnest efforts on their own behalf, it is incumbent upon the international community to continue to assist them, thereby consolidating the achievements that have been realized through assistance extended in the past.

Japan, for its part, has been the largest donor of assistance to Timor-Leste, and intends to continue providing such assistance to the fullest extent possible for self-sustainable nation-building. At the donor conference last May we pledged a contribution of up to $60 million for the coming three years. Japan hopes to make use of bilateral cooperation to realize this contribution, and to this end met with international and non-governmental organizations in Dili on 5 and 6 November to discuss future Japanese assistance for Timor-Leste.

Based upon the deliberations at that meeting, the following day Japan and Timor-Leste held an inter-governmental policy consultation on economic cooperation. During that consultation, Japan expressed its intention to continue providing assistance, with an emphasis on human resources development, agriculture, infrastructure, and peace-building. Furthermore, from the viewpoint of enhancing human security, the Government of Japan is contributing approximately $6 million in the areas of agriculture and community reconstruction through the Trust Fund for Human Security.

I wish to add that the Government of Japan appreciates the activities of the Commission for Reception, Truth and Reconciliation of Timor-Leste in fostering reconciliation between former pro-independence groups and former pro-integration groups, and has contributed $530,000 to the Commission. National reconciliation is of crucial importance for the future of the country, and we will continue to provide assistance in that area.

We welcome the steady progress that UNMISET has made in implementing the mandates entrusted to it by the Security Council in resolution 1410 (2002). That progress has enabled it to meet the timetables set by the Secretary-General in his previous reports. I am informed that the engineering unit dispatched by Japan is working effectively in cooperation with the people of Timor-Leste. Japan would like to request the Secretary-General to proceed with the implementation of UNMISET's downsizing plan while evaluating the evolving situation in the field carefully. In so doing, he should continue to consult closely with troop-contributing countries.

The President (*spoke in Chinese*): The next speaker inscribed on my list is the representative of Portugal. I invite him to take a seat at the Council table and to make his statement.

Mr. Macieira (Portugal): We are grateful to you for convening this open meeting of the Security Council to examine the report of the Secretary-General on the United Nations Mission of Support in East Timor, covering the first five months since the independence of Timor-Leste.

The representative of Denmark has already spoken on behalf of the European Union and, of course, of Portugal. I would like to take the opportunity to add a few words on certain issues of particular concern to my delegation.

Portugal extends its strong support to the important efforts and activities of the United Nations under the engaged leadership of Special Representative Kamalesh Sharma, assisting the authorities of Timor-Leste at every level, particularly its emerging institutions, and ensuring sustained momentum in the development and strengthening of infrastructures, public administration, and law enforcement capabilities.

We welcome the well-structured and balanced report of the Secretary-General on the three areas mandated by the Security Council in resolution 1410 (2002). Particularly noteworthy is the focus of the report on the activities undertaken by the Government of Timor-Leste in seeking to promote a broad-based democracy and meet the demands of its citizens by gradually adopting the necessary legal framework and institutionalizing the protection of human rights.

These are important developments, notwithstanding some difficulties still being experienced in the functioning of Timor-Leste's judicial system. Some of these difficulties arise from a

lack of crucial financial and human resources for capacity building. These needs are being addressed constructively, by order of priority and with the assistance of the United Nations, in a Government plan to enhance the justice sector in accordance with the legitimate options of language and legal system established under the constitution of Timor-Leste.

Another issue to be highly commended is the speedy progress on the part of Timor-Leste to ensure good-neighbourly relations with other States of the region, with particular emphasis on the relations with Indonesia.

Timor-Leste has moved quickly towards becoming a member of international organizations, such as the World Bank, the Community of Portuguese-Speaking Countries and the Asian Development Bank. This is a further illustration of its efforts to overcome economic difficulties and begin laying foundations for the future management of its natural resources, that will allow it to produce sufficient revenue to meet its developmental needs in the future.

Until the day that Timor-Leste can rely largely on its own resources, the international community must stay involved, particularly in the areas identified for support, such as stability, democracy and justice, as well as public security, law enforcement, external security and border control. The downsizing of UNMISET must, therefore, proceed accordingly and with extreme caution in order to ensure the consolidation of results already achieved.

Portugal's commitment to Timor-Leste has been and will remain central to our foreign and development aid policies. Our bilateral direct assistance to Timor-Leste totalled $57 million in 2000, $65 million in 2001 and $23 million this year. On the multilateral front, we pledged a total of $50 million at the Tokyo Donors Conference, of which $15 million was disbursed in 2000 and $15 million in April 2002. Another $10 million should be disbursed this year. Last May we pledged an additional $9 million specifically for budget deficit support.

The total involvement is far from exclusively financial. To the contrary, thousands of Portuguese have taken part in UNMISET, and before that, in UNTAET — from peacekeepers and civilian peace observers as the leading troop contributors, to civil servants and simple volunteers from all walks of life contributing what they know to help the people of East Timor help themselves. That commitment of Portugal will continue.

The President (*spoke in Chinese*): The next speaker inscribed on my list is the representative of Australia. I invite him to take a seat at the Council table and to make his statement.

Mr. Blazey (Australia): Thank you for convening this open meeting on an issue of deep interest to Australia. I thank Ambassador Sharma for his comprehensive and valuable briefing on the United Nations Mission of Support in East Timor (UNMISET) first six months in operation. I also would like to record Australia's pleasure at seeing Timor-Leste, represented by Ambassador Guterres, participate in this important meeting.

Timor-Leste's participation today as an independent State symbolizes the important fact that this is, ultimately, Timor-Leste's own issue. Our task is simply to assess how well UNMISET has been assisting Timor-Leste strengthen its institutions and make the transition to self-reliant statehood and a more traditional relationship with the donor community.

By all accounts, UNMISET has acquitted itself extremely well. It is largely on track to fulfil its mandate. This has been assisted by the good cooperation between Timor-Leste and Indonesia, which is detailed in the Secretary-General's report. Good-neighbourly relations are the bedrock of security in the region. We are gratified to see progress on bilateral dialogue to resolve border demarcation and the constructive first meeting last month of the Indonesia-East Timor Joint Ministerial Commission. We also welcome continuing progress on the refugee issue. Resolving that promptly will mark a very important milestone and will contribute to the long-term stability of Timor-Leste and to its sound relations with Indonesia.

Timor-Leste's establishment of diplomatic relations with nearly all of its neighbours of the Association of South-East Asian Nations (ASEAN), its participation in ASEAN meetings as an invited observer and in Pacific Island Forum meetings as a special observer augur well for its longer-term relationships in the region.

Consistent with a generally improving security environment, the peacekeeping force is on track to meeting its downsizing targets. That is welcome. The

drawdown timetable and associated milestones recommended by the Secretary-General and endorsed by the Council are based on sound planning and assessments.

That said, it is also true that trends in the security environment are not linear, and the situation is inherently dynamic. We welcome the recognition in the Secretary-General's report and in Ambassador Sharma's comments that terrorism is an issue that needs careful attention. Following the devastating bomb attack in Bali, this point does not need to be belaboured. But let me underline that, as the region as a whole redoubles its efforts to combat terror, UNMISET, too, must examine carefully how it can assist Timor-Leste to address this international scourge.

In the longer term, the United Nations, including through the Counter-Terrorism Committee of the Security Council, needs to consider how best to coordinate and support donor efforts to strengthen and develop Timor Leste's indigenous counter-terrorism capabilities. In this context, I should like to record Australia's appreciation for the professionalism and cooperation we have received in recent times from UNMISET, the Timor-Leste Police Service and the Government of Timor-Leste, in responding to possible terrorist threats.

We consider that assistance, with the development of an effective general policing capability, should be a high priority for UNMISET. We welcome recent efforts in that area by UNMISET. The appointment of a training adviser for the United Nations civilian police and the Timor-Leste Police Service and the planned joint needs assessment mission should help encourage a more strategic and coordinated approach to strengthening the police. This is crucial, and it will have Australia's support.

Closely related to the strengthening of the police is the development of effective border controls. Building capacity in this area goes directly to UNMISET's core security mandate. A porous border could exacerbate internal security problems and undermine regional and global efforts against terrorism and other transborder security challenges.

The need for greater attention to the justice sector is widely acknowledged. I will not go through the details, which are clearly set out in the Secretary-General's report. Suffice it to say that more effort is required to foster efficient and professionally functioning courts and a prison system. Practical solutions will be important. In that context, we also note the importance of the United Nations supporting the work of the Serious Crimes Unit.

Capacity limitations in the justice sector are only one of many that Timor-Leste's administration faces. Building up Timor-Leste's administrative and governance capabilities presents a substantial ongoing challenge and underlines the wisdom of the decision in resolution 1410 (2002) to help Timor-Leste in those areas. Such assistance is, of course, not simply the responsibility of UNMISET. Bilateral and multilateral support remains vital. Australia encourages that, including through donors meeting their pledges in a timely way.

Let me conclude by congratulating Ambassador Sharma and UNMISET on the excellent start they have made in partnership with the Government of Timor-Leste. It is true, as Australia has often said, that the United Nations involvement in Timor-Leste has shown the Organization at its best. Australia, for its part, remains committed to assisting Timor-Leste, including through UNMISET, as best it can.

The President (*spoke in Chinese*): The next speaker inscribed on my list is the representative of Thailand. I invite him to take a seat at the Council table and to make his statement.

Mr. Kasemsarn (Thailand): Allow me to pay tribute to you, Sir, and to China for presiding over the Security Council this month. I join others before me in thanking Ambassador Guterres for his statement and Ambassador Sharma, Special Representative of the Secretary-General, for his useful briefing on the development and progress achieved in the Democratic Republic of Timor-Leste.

We are encouraged by positive developments in Timor-Leste, as highlighted in the Secretary-General's report. Despite resource constraints, the Timor-Leste leadership should be commended for its unwavering determination in consolidating and strengthening the country's foundations within a short span of time since independence. We also commend the United Nations Mission of Support in East Timor (UNMISET) for its continued assistance to the Government of Timor-Leste and its close cooperation with the donor communities, intergovernmental agencies and other United Nations agencies in accordance with Security Council resolution 1410 (2002).

We fully agree with the Secretary-General that the continued engagement of the international community in securing a solid foundation for the long-term stability of Timor-Leste is vital. We therefore urge the donor community to help narrow the resource gaps in such priority areas as public administration and the justice and finance systems, and in other areas as foreseen in the National Development Plan of Timor-Leste.

On the maintenance of peace and security, training assistance for Timorese police and military personnel is still much needed.

We wish to reiterate what we have stressed on many occasions, that the support of the United Nations and the international community in capacity-building is of the highest priority if the Timorese are to attain self-sustainability in the political, economic, social and cultural development of the country.

The downsizing of UNMISET, with a view to a smooth transition to traditional development assistance, must be commensurate with the progress in the development sector, including in the area of employment generation.

For our part, Thailand is willing to render support to the Timorese people in their development effort. Just recently, Thailand sponsored a training course in local administration for a group of Timorese leaders. Various academic institutions in Thailand have now offered scholarships and training programmes to Timorese students. The Department of Technical and Economic Cooperation of the Thai Foreign Ministry has just announced 10 scholarships for Timorese students in the areas of agriculture and health. In that connection, at the end of this month, the director-general of that department will lead a delegation to Dili comprising both the Government and the private sector to discuss further bilateral cooperation and assess the needs of the Timorese in order to formulate a long-term assistance plan. It is envisaged that the plan will primarily focus on education, agriculture and health, and that it could later be expanded to other areas.

Thailand will continue to support the work of UNMISET through its contribution of police and military personnel and through economic assistance. We hope that such contributions, in conjunction with the various assistance programmes, will help foster capacity-building at the grass-roots level for the population of Timor-Leste so that, over time, they can participate in the regional and global economies on an equal footing.

The President (*spoke in Chinese*): I thank the representative of Thailand for his kind words addressed to me and my country.

The next speaker inscribed on my list is the representative of India. I invite him to take a seat at the Council table and to make his statement.

Mr. Nambiar (India): Let me begin by congratulating you, Sir, on your assumption of the presidency of the Security Council at this critical juncture in the Council's management of issues relating to international peace and security. I would also like to take this opportunity to warmly felicitate the representative of Cameroon for his exemplary stewardship of the Security Council during an unusually active period of time last month.

India attaches great importance to its relations with Timor-Leste. We have sought to contribute to the country's development by providing expertise and training in areas of our competence, and where we see complementarities in their application. To that end, we have offered 50 scholarships to East Timor in technical and economic areas, as well as separate scholarships for study in Indian universities in the areas of agriculture and in the information technology sector, involving the upgrading of skills. India made a statement on this subject during the last meeting of the Security Council on the issue of Timor-Leste, last August. I shall therefore confine my statement on this occasion to a few brief remarks pertaining to the report of the Secretary-General (S/2002/1223) on the United Nations Mission of Support in East Timor (UNMISET).

I wish to take this opportunity to formally place on the record of the Council our felicitation to Timor-Leste on its entry into the United Nations as the Organization's 191st Member State. We are happy to see Ambassador Guterres with us at the table.

The Secretary-General's report informs us of the country's accession to other international bodies, such as the World Bank and the Asian Development Bank, and of its establishment of diplomatic relations with a number of countries. India welcomes those developments. We welcome in particular the growing relations between Timor-Leste and Indonesia, underscored by the exchange of State visits between

the two countries and the more recent creation of the Joint Border Committee.

The Secretary-General has referred to the fact that the leaders of Timor-Leste have sought, since their independence, to promote a broad-based democracy and to heed concerns or complaints expressed by their citizens. India welcomes the embrace of democracy by Timor-Leste and its steady process of institutionalizing the protection of human rights in the country. Our own commitment to democracy since independence, and the fundamental right to freedom of speech and expression enjoyed by all our citizens, leads us to recognize the enormous value and utility of such an exercise for a nation and a people. We wholeheartedly agree with the characterization made by the Special Representative of the Secretary-General with regard to the leadership of Timor-Leste, specifically as regards President Xanana Gusmão, Prime Minister Mari Alkatiri and Senior Minister and Foreign Minister Jose Ramos-Horta, as significant assets of that nation at its current historical stage.

UNMISET has to play the role of enabler and facilitator of the larger political, social and economic goals of Timor-Leste. This is a major responsibility and requires the support of the international community. The Secretary-General has referred to unpaid assessments to UNMISET's special account for the period since the inception of the Mission, which amount to $213.6 million. We believe that continued and timely support for UNMISET's budget will greatly enhance its ability to assist Timor-Leste towards self-sufficiency as a nation. There is also need to address the significant shortfall in resources hindering the pressing need to fill posts required to develop capacity in Timor-Leste's public administration.

At the same time, we note that East Timor has been endowed with enormous potential for revenue from its hydrocarbon deposits, commercially exploitable coastline, agricultural base and tourism attributes. These must be exploited in an efficient and environmentally friendly manner, so as to empower the nascent State with the resources required for self-sufficiency and economic independence in the shortest possible period of time.

We note with satisfaction that, during the first three months of the fiscal year 2002-2003, the Government of Timor-Leste successfully collected 23 per cent of its budgeted revenue despite the economic contraction following the withdrawal of a significant international presence. However, the lack of sustainable assets, resulting in unemployment in the range of 90 per cent, and the dependence on international aid continue to beset the nation. These issues need to be addressed.

The Secretary-General has drawn attention to the functioning of the country's justice system. We believe that the concurrent development of the judicial, legislative and executive branches is important for the balanced development of a nation. In addition, the constraints faced owing to the lack of adequate development of the judicial system will also hinder efforts to bring to justice those responsible for serious crimes committed in 1999.

We take this opportunity to express our condolences to the families of the two UNMISET peacekeepers who died in last month's bombing in Bali, and to express our solidarity with the members of UNMISET on the loss of their comrades. We note that in his statement the Special Representative of the Secretary-General alluded to the new shadow of terrorism that has fallen over the region. As a country familiar with the consequences of terrorist acts perpetrated without regard for national boundaries or norms of human decency, we agree that enhanced vigilance and improved capacities need to be put in place in Timor-Leste.

Before concluding my statement, I would like to join others who have spoken before me in paying tribute to the dedicated role played by the Special Representative of the Secretary-General, who is my predecessor as representative of India, and his team in ensuring UNMISET's contribution and utility to Timor-Leste.

The President (*spoke in Chinese*): There are no further speakers on my list. I shall now give the floor to Mr. Sharma to respond to comments and questions that have been raised.

Mr. Sharma: I wish to express my appreciation to all the delegations that have spoken today. Their views and advice provide extremely important and valuable input in our work. Some of the points that were made need to be accorded greater reflection and scrutiny, and I assure members that we shall do this. The words of support which delegations have spoken for our efforts have been of great encouragement to us, and I shall certainly convey those words to my team,

which supports me so well. I thank delegations for the confidence they have expressed. We hope to live up to it.

I particularly thank the many delegations that have advocated continued and strengthened donor support to Timor-Leste; such partnership will be essential to Timor-Leste for many, many years to come. We rely on this continued commitment and solidarity, which has to date been so generously in evidence from all institutional and national partners and civil society. Many delegations, indeed, have expressed this in their statements.

As I have been kindly invited by you to respond, Mr. President, I shall not abuse your generosity overmuch. I intend to respond very briefly, and I hope my observations are found to be of interest and useful on some of the points which have been common to statements by delegations and on others that were very pointedly put in the form of questions addressed to me. The most important theme, I find, as emphasized by the majority of delegations, is that of justice and the rule of law. I strongly believe that the rule of law is the foundation for all other societal and Government activities. That view is shared by the leaders of Timor-Leste, as I indicated in my statement.

However, we have to recognize that inherent difficulties related to judges' lack of experience, court language and the legal system are, and will remain, a continuing challenge. There will be a continuing long-term need for international assistance, within the Ministry of Justice, the courts and the prison sector, well beyond the mandate of the United Nations Mission of Support in East Timor (UNMISET).

I have, therefore, been consciously involving the United Nations Development Programme (UNDP) and other multilateral and bilateral agencies in any initiatives that UNMISET takes in order to promote the objectives of the Government of Timor-Leste in enhancing the functioning of the judicial system. In this, it is important to bear in mind that we can, at best, play the role of adviser and facilitator. The Deputy Special Representative of the Secretary-General, Sukehiro Hasegawa, who is also the UNDP Resident Representative, in consultation with me, has prepared input to the action plan of the Ministry of Justice; this was an extensive document and, I believe, was appreciated. The document set out what we saw as challenges, the way in which those challenges could be met, and who could be the potential partners in meeting those challenges. An outline of the plan, as developed by the Ministry of Justice as a national plan, was presented to donors on 11 October. I should also inform members that we are pursuing our contribution in this sector by deploying needs assessment missions, also coordinated by UNDP.

An assessment team on the prison system visited last month and has already issued an extremely useful report. Currently, there is also an assessment team in the police sector.

A delegation made reference to the Judicial Magistrates Statutes. Here again, I would emphasize that, on the draft legislation, we had made our advice clearly known both to the Government and to Parliament, and we had also invited the Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers, Mr. Param Cumaraswamy, and the Government also had the benefit of his views. An issue was raised about the legality of detentions. This issue is known, and also forms part of the prison assessment report.

The other important theme emphasized by many delegations was the role of human rights and the office of the "Provedor". We have been instrumental in promoting the search for the appropriate role for the "Provedor", and a seminar was arranged on this team. UNMISET has also mainstreamed promotion and protection of human rights in all its activities. It is also working towards the creation of a human rights thematic group, which would involve all United Nations agencies, funds and programmes.

I should emphasize here that the commitment of the Government of Timor-Leste to human rights is exemplary. Just a few days ago, on 6 November, the Council of Ministers approved the ratification of a number of human rights treaties. These are being considered by the national Parliament with a view to acceding to them by international Human Rights Day on 10 December. These treaties include the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention on the Rights of the

Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and many others.

It is significant that among the treaties the Council of Ministers has recommended for signature is the Migrant Workers' Convention. At present, there are 19 signatories to that Convention, and Timor-Leste's signature will have the effect of bringing the Convention into force, since 20 signatures are required.

The Human Rights Unit of UNMISET, in cooperation with other partners, continues to provide training to Timorese authorities, particularly the police. During August and September, a series of three-day courses were organized for offices of the special police unit on human rights and conflict management. Training has also been provided to Timorese police officers and to the vulnerable persons unit of the police in various districts.

In Timor-Leste, there has been a small increase in incidents against returnees. Such incidents are prompted either by allegations of their involvement in militia activities or by their efforts to reclaim land that originally belonged to them. The human rights unit is monitoring the well-being of returnees and is providing assistance where appropriate. Such cases underline the need for continued support for the work of the Commission for Reception, Truth and Reconciliation and also the process — mandated by the Council — of the investigation, prosecution and judgement of serious crimes. The Commission has achieved full strength and has conducted the first reconciliation process in Likisa. Indeed, I visited Likisa and spoke to the Commissioners personally. All of them were united in expressing the view that it would be an important contribution to the process of social healing, to which President Gusmão attaches such enormous importance.

There were some queries raised as to international advisers. I shall not talk about the stability advisers, as most of the questions raised pertained to the development posts. The 228 development posts that have been identified fall within four thematic areas: financial services, which has 73; essential services, such as health, education and transport, which has 68; governance and centralized services, which has 57; and the legal and justice system, which has 30. Of the 228, only 49 have been recruited thus far and another 33 are in the process of being recruited, either by the United Nations Development Programme (UNDP) or by bilateral donors. Expressions of interest have been received from donor agencies for another 48 posts, and, even if all of them materialized, there would be a major shortfall in funding for 98 positions, or nearly half of the entire programme.

The largest funding gaps are currently in the Ministry of Planning and Finance, 24 posts; the Ministry of Transport, Communications and Public Works, 20 posts; and centralized services, particularly translators and legal advisers, 18 posts. We have been queried as to whether there was something that UNMISET could do about the time scale of those development posts. I should clarify that the process depends entirely upon the willingness and the energy with which donors pick up the posts after having examined them. In fact, the full list can be found on a web site — *www.undp.east-timor*.org — and I would encourage all those in a position to do so to contribute to this critical programme.

Many questions were raised concerning the serious-crimes process. Here, something needs to be said immediately and at the outset. UNMISET is playing the role that is appropriate for it: ensuring that all administrative and infrastructure facilities required by the investigators, prosecutors, defence lawyers and courts are made available to them. At the same time, it is acutely aware that it must not interfere — or even appear to interfere — with the legal and judicial processes, which will take their own course. We would be happy to share with any interested delegation the current state of indictments and other details that we have. Here, I should emphasize that the question of the balance between reconciliation and justice is a theme of the utmost importance in many peacekeeping missions, and Timor-Leste is no exception.

There was a reference made to the need for a forensic pathologist. We recognize that need, and we identified it almost immediately after UNMISET had begun its work. I personally met the Minister for Health and officials in the Ministry of Justice in that regard. To have a facility with a professional forensic pathologist requires many years, because a cadre with medical degrees is needed. So what we are also concentrating on is engaging partners — particularly in the neighbourhood — who can make their experts available from time to time so that there is no backlog in the morgue. We are also seeking long-term solutions.

Many references were made to veterans. A prominent grievance has been that treatment accorded to veterans and a lack of programmes devoted to them may give that sector of the population a sense of denial of dignity, worth and social usefulness, which needs to be corrected. That is entirely recognized by the Government. I have discussed the issue with the leaders on several occasions, and, as a result of those discussions, the President has established two commissions to define and determine the exact numbers of former combatants of the period 1974-1979 and Falintil veterans of the period 1979-1999. Prime Minister Alkatiri has also drafted a project proposal for the gainful employment of Falintil veterans. Those ideas are being pursued further through the United Nations Development Programme (UNDP) for consideration by bilateral and multilateral donors. I strongly believe that redressing the genuine grievances of former combatants and of Falintil veterans would contribute to enhancing the stability of Timor-Leste.

References were also made to border demarcation. As that is an issue that is closely connected to UNMISET's mandate, I should like to lay out the situation very clearly for members. The previous report (S/2002/432) estimated, in its paragraph 93, that by July 2003 the border would be demarcated and its management assumed by civilian authorities, including the police. It was further indicated, in paragraph 97, that the process of demarcating the border was at an early stage and that, if there were no delays in the process, the boundary could be determined by the end of 2002 and the international boundary could be demarcated by July 2003. Security Council resolution 1410 (2002), apart from requesting UNMISET to give full effect to the three programmes of the mandate implementation plan, stressed the critical importance of cooperation between the Governments of Timor-Leste and Indonesia, as well as with UNMISET, in particular by working together to secure agreement on the issue of border demarcation.

I am happy to inform the Council that the Government of Indonesia have, in cooperation with UNMISET, attempted to move forward in this direction. The first meeting of the Joint Ministerial Commission for Bilateral Cooperation — held in Jakarta on 7 and 8 October, during which UNMISET actively cooperated with both countries — agreed to invite the Joint Border Committee to make every effort to finalize agreement by 30 June 2003 on a line that constitutes the border in accordance with the 1904 treaty between Portugal and the Netherlands and the 1914 arbitral decision and other relevant legal instruments and in accordance with which the land border can be demarcated unequivocally.

UNMISET is fully prepared to continue its active cooperation with both countries in their efforts to meet the target they have established to finalize this agreement. The first meeting of the renewed Joint Border Committee, which was revived at the Joint Commission, is expected to be held in mid December, and Indonesia and Timor-Leste are in the process of finalizing mutually convenient dates through regular diplomatic channels.

Of course, after the agreement on the line that constitutes the border has been finalized, the process of physical demarcation — if both countries decide to do so — may take a fairly long time. However, once the agreement on the border has been secured, with militia threats maintained at current low levels and civilian management of the border assured by concerned authorities, I do not believe that absence of physical demarcation should impede the withdrawal of peacekeeping forces. I believe that you would be able to maintain a schedule for withdrawal of peacekeeping forces.

Refugees have also been mentioned by many delegations. So far, the year 2002 has seen over 29,900 refugee returns to Timor-Leste, as compared to some 18,000 during 2001.

While the year began on a slow note, with 675 and 938 refugee returns being recorded in January and February, the rate picked up considerably in March, with 3,644, and almost doubled to 6,031 in April following encouragement by the then President-elect Xanana Gusmão during his visit to Atambour and Kefah along with UNMISET and UNHCR on 4 April. The high momentum of returns was maintained in May, June, July and August, when more than 4,000 refugees returned. In July there were, in fact, more than 5,000. However, since the first of September, the rate of return has slowed to a trickle, with 119 returns in September, 37 in October and 72 so far in November, of whom 52 returned only yesterday.

However, it has to be recognized that the repatriation of refugees to Timor-Leste has been a veritable success story. Out of about 260,000 refugees, nearly 223,000 have returned to Timor-Leste since the

refugee repatriation movements assisted by UNHCR and IOM began three years ago. This figure must be seen in perspective. As I mentioned in my statement, it represents a return of over 25 per cent of the entire population of Timor-Leste.

The return of refugees is motivated by several factors, such as reconciliation meetings and the work of the Commission for Reception, Truth and Reconciliation. After the latest visit, over three days, by President Gusmão and others, there is the expectation that the process of refugee return will pick up.

With regard to relations with Indonesia, which was alluded to by many delegations, I am happy to state that this core relationship, guided by the political leadership in both countries, is developing in a most cooperative and mutually beneficial manner. The visit of President Megawati to Timor-Leste for the Independence Day celebration and that of President Gusmão to Indonesia on 2 and 3 July — when the Joint Ministerial Commission was constituted — and an early meeting of the Commission on 8 and 9 October and the positive results achieved in the Commission are to be saluted. In this connection I would like to express my deep gratitude for the gracious reception accorded to me by the leadership of Indonesia in the course of my visit.

A reference was made to a phase five in West Timor. I believe that this issue is being discussed between the United Nations Security Coordinator and the Government of Indonesia.

Another point raised concerned assets and compensation. A reference was made to the zero option in this connection. It is true that some statements were made earlier in which the zero option was recommended from the side of the Government of Timor-Leste as a possible solution. However, during the recent meeting of the Joint Commission this matter was further discussed, and I wish to inform the Council that the meeting agreed to seek comprehensive solutions in the interests of further strengthening cooperation between close neighbours on residual legal matters such as assets — private, individual, corporate and government. In addition, both parties agreed in principle to find innovative settlements on corporate assets through conversion of those assets for Indonesian investment, including joint ventures. Both parties have agreed to hold a technical meeting within six months, before the second meeting of the Joint Commission. We can greet this forward-looking decisions.

On the question of delimitation of land and sea borders, which was also referred to, I would like to state that, at the same meeting of the Joint Commission, it was decided that the two issues should be treated separately. The Joint Border Committee was revived in order to attend to the question of the land border, on which I have already given the details, but it was decided that issues relating to marine affairs would be relegated to another subcommittee of the Joint Commission because marine affairs involve many issues which should be attended to holistically, such as environment and pollution, fisheries, the economic zone, piracy and shipping issues.

On the issue of benchmarking, the question was raised of whether we would be able to follow the excellent example of Mr. Michael Steiner, Special Representative of the Secretary-General for Kosovo. Here, I would like to provide the clarification that we are, indeed, developing and assessing the benchmarks for UNMISET's mandates, and we would be happy to share them. But I trust that the distinction will be appreciated that, with the emergence of a sovereign and independent Timor-Leste, the benchmarks for the country as a whole should be those that it decides for itself. They are nonetheless fairly precise, specific and measurable, and are contained in the National Development Plan of Timor-Leste, copies of which can be easily procured.

One delegation asked whether we could shed some light on the current economic and budgetary situation. UNMISET tries to be extremely active in promoting various forms of useful economic activity and in giving such advice as we think would be appropriate, even in the economic field. With regard to the specific matter of the budgetary and economic situation, however, I would suggest that a better and, certainly, more reliable source would be the institutions of the World Bank and the International Monetary Fund. I will be discussing this requirement, expressed by delegations, and we will be indicating on our web site — which I trust representatives will find interesting in its own right — how that information can be accessed by those who are interested. The address of the site is www.unmiset.org.

You will be relieved, Mr. President, to know that I am now drawing to a close. I thought I should speak at some length because of the great engagement of the various delegations that have spoken. I trust that the few comments that I have made have been useful for delegations.

In conclusion, I would like just to allude to observations made by one delegation that Timor-Leste has an advantage in being a latecomer among the comity of nations, inasmuch as it can learn from the mistakes of others. That is a very pertinent observation. The current leadership of that country is in a unique and historic position. Surely it will be considering the work that it does now from the perspective of how it will be seen in about 20 years' time, when people look back at the country's history and see the direction that the first leadership gave to it. I am confident that the vision that must be demonstrated to the country and the world will, indeed, be there — now and for later generations.

The same delegation said that we must get the pace of transition right, and I would like to conclude on that point. We have to ensure not only that UNMISET does its work satisfactorily but also that it prepares the ground for a transition that is seamless and painless and that propels the nation of Timor-Leste forward with confidence, socially, politically and economically.

The President (*spoke in Chinese*): I thank Mr. Sharma for his clarifications and explanations, which were very detailed. I think that they will help us to gain a comprehensive picture of the situation in Timor-Leste. I would also like to thank him for providing us with the UNMISET web-site address; I will certainly log on and visit it after the meeting.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 5 p.m.